DETAILED ACTION

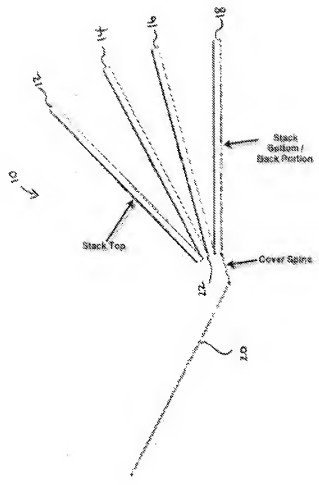
1. This is in response to applicant's amendment wherein claims 3, 7, 8, and 12 have been amended and claims 10, 11, 13, and 14 have been cancelled. Therefore, claims 3-9, 12, and 15-17 are pending.

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

3. Claims 3-9, 12, and 15-17 are finally rejected under 35 U.S.C. 103(a) as being unpatentable over US 2003/0106814 to Gelardi et al. (Gelardi) in view of either one of US 5,779,423 to Bermingham or US 5,484,054 to Kryszewski.

Regarding claims 3, 4, and 7, Gelardi discloses a package (10) for storing discs or articles comprising a stacked array of disc trays (12, 14, 16, 18) joined along a spine (22) and defining a stack top, stack bottom, and a stack height. The disc trays are substantially planar elements. A cover is disclosed having a front portion (20) and a back portion separated by a cover spine having a width equal to the stack height (fig. 5). The back portion is fixedly attached to the stack bottom (fig. 6) and the front portion of the cover is free from attachment to the stack and may be separated from engagement with the stack when the cover is moved into an open position (see below). The back portion of the cover is connected to the cover spine along a first hinge line (fig. 6), the first hinge line being disposed proximate a corner of the stack bottom with the cover in a closed position (fig. 5).



Gelardi does not disclose the back portion of the cover including a strip section that is connected to the cover spine along the first hinge line and connected to the back cover portion along a second hinge line. However, Each of Bermingham and Kryszewski disclose a similarly bound package (figs. 5 & 6; 14) with a front cover portion (34; 28) and a back cover portion (35; 26). The front portion and back portion are separated by a cover spine (30; 30). The back portion includes a strip section (fig. 6, unlabeled strip section extending generally perpendicularly to spine 30 and back cover portion 35; fig. 2, unlabeled strip section between hinge lines 16 and 18) that is

connected to the cover spine along a first hinge line (fig. 6, see unlabeled hinge line adjacent 30; fig. 2, 18) and connected to the back portion along a second hinge line (fig. 6, see unlabeled hinge line between strip section and back cover portion 35; fig. 2, 16). The first hinge line is disposed proximate a corner of the stack bottom with the cover in a closed position (figs. 5 & 6; fig. 3). It would have been obvious to one having ordinary skill in the art at the time of the invention to have incorporated the strip section of either one of the packages of Bermingham or Kryszewski on the back portion of the package of Gelardi in order to provide flexibility to spine area for unhindered opening/turning of the front cover as taught by each of Bermingham (col. 5, lines 19-22) and Kryszewski (col. 1, lines 8-27). As per the modification, the strip section is free from attachment to the stack and may be separated from engagement with the stack as only the back portion of the cover of Gelardi is attached to the stack.

Regarding claim 5, Gelardi discloses the cover as a jacket (20) which appears to be a single ply substrate; however, if there is any doubt, it would have been obvious to one having ordinary skill in the art at the time of the invention that the jacket could be formed from a single ply substrate as a matter of design choice as such structures are old and conventional in the art for simplification of the manufacturing process. Bermingham and Kryszewski also disclose covers (32; 14) being formed as single ply substrates.

Regarding claim 6, Gelardi discloses the back over portion being adhered to the stack bottom (paragraph [0035], lines 7-9).

Regarding method claim 8, all recited structures of the package are disclosed by Gelardi in view of either of Bermingham and Kryszewski as is discussed in detail in the rejection of claim 3 above. The method of making such a package is rendered obvious to one having ordinary skill in the art since all the claimed structures are present in either of Gelardi/Bermingham or Gelardi/Kryszewski packages.

Regarding method claim 9, Gelardi discloses the back cover section being mounted to the stack bottom (paragraph [0035], lines 7-9). Bermingham and Kryszewski also each disclose elements of the package being bonded together with adhesive (col. 4, lines 66-67; col. 1, lines 62-66). Applying adhesive is obvious to one of ordinary skill in the art as a method of mounting objects together.

Regarding claims 12 and 15-17, all recited structures of the package are disclosed by Gelardi in view of either Bermingham or Kryszewski as is discussed in detail in the rejection of claims 3-6 above. With respect to the limitation "wherein with the package placed on a flat surface, and having less than half of the disc trays moved into an open position adjacent the front cover portion, the strip section remains in facing contact with and parallel to the stack bottom, and wherein with the package placed on a flat surface, and having more than half of the disc trays moved into an open position adjacent the front cover portion, the strip section moves away from facing contact with the stack bottom", the structures disclosed by the combination of Gelardi in view of either Bermingham or Kryszewski would inherently/obviously perform the functions described in the limitation.

Response to Arguments

4. In view of Applicant's amendment, the search has been updated, and new prior art has been identified and applied. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Jukola et al., Chizmar, Shafer, Gelardi ('384), and Bridges have been included because they are relevant to the claimed subject matter.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MELISSA LALLI whose telephone number is (571)270-5056. The examiner can normally be reached on Monday-Friday 8:00 AM-5:00 PM (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Khoa Huynh can be reached on (571) 272-4888. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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5/22/11

/JILA M MOHANDESI/
Primary Examiner, Art Unit 3765